

IN THE MARION CIRCUIT COURT

COUNTY OF MARION)

AVC NO. 02-032

IN RE: MARK D. ALLEN,
individually and doing business as
HOOSIER CAR AND TRUCK, LLC, and
HOOSIER CAR AND TRUCK, LLC

Respondents.

FILED

MAY 23 2002

James M. Taylor
CLERK OF THE
MARION CIRCUIT COURT

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General Terry Tolliver, and the Respondents, Mark D. Allen, individually and doing business as Hoosier Car and Truck, LLC, and Hoosier Car and Truck, LLC enter into an Assurance of Voluntary Compliance (“Assurance”) pursuant to Ind. Code §24-5-0.5-7.

Any violation of the terms of this Assurance constitutes prima facie evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties.

The parties agree:

1. Respondent, Mark D. Allen, is an individual engaged in the sale of used automobiles under the assumed business name of Hoosier Car and Truck, LLC, with a principal place of business located at 4809 West Washington Street, Indianapolis, Indiana, 46241, and transacts business with Indiana customers.

2. Respondent Hoosier Car and Truck is a limited liability company engaged in the sale of used automobiles, organized under the laws of Indiana on October 30, 2001, with a principal place of business at 4809 West Washington Street, Indianapolis, Indiana 46241, and transacts business with Indiana consumers.

3. The terms of this Assurance apply to and are binding upon Respondents, their employees, agents, representatives, and assigns.

4. Respondents acknowledge the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to §4-6-9-4 and Ind. Code §24-5-0.5-1 *et seq.*

5. Respondents, in soliciting and/or contracting with consumers, shall not make, cause to be made, or permit to be made, expressly or by implication, any representation, orally or in writing, as to the characteristics, quality and/or condition of vehicles offered for sale, unless Respondents know or should reasonably know the vehicles have the characteristics, quality and/or condition represented.

6. Respondents will immediately comply with all provisions of Ind. Code §9-22-3-1 *et seq.*, including but not limited to:

- a. disclosing in writing to the purchaser, customer, or transferee before consummating the sale, exchange or transfer the fact that a vehicle is a salvage or rebuilt vehicle, and;
- b. providing the Indiana Bureau of Motor Vehicles with a complete and accurate affidavit of restoration for each vehicle restored or rebuilt on behalf of the Respondents;
- c. for each acquired wrecked or damaged vehicle, motorcycle, semi trailer, or recreational vehicle that meets at least one of the criteria set forth in Ind. Code §9-22-3-3, and the ownership of which is not

evidenced by a certificate of salvage title, Respondents shall apply to the Bureau of Motor Vehicles within thirty-one (31) days after receipt of the certificate title for a certificate of salvage title, as required by Ind. Code §9-22-3-11.

7. Upon execution of this Assurance, Respondents shall pay consumer restitution in the amount of Three Hundred Dollars (\$300.00) to the Office of the Attorney General on behalf of Rory Edmonson, 402 South 10th Street, Bloomington, Indiana.

8. Upon execution of this Assurance, Respondents shall pay costs in the amount of Five Hundred Dollars (\$500.00) to the Office of the Attorney General.

9. Respondents shall not represent that the Office of the Attorney General approves or endorses Respondents' past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

10. Respondents shall fully cooperate with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

11. The Office of the Attorney General shall file this Assurance with the Circuit Court of Marion County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 23 day of May, 2002.

STATE OF INDIANA

STEVE CARTER
Indiana Attorney General

By: Terry Tolliver
Terry Tolliver
Deputy Attorney General
Atty. No. 22556-49
Office of the Attorney General
402 West Washington, 5th Floor
Indianapolis, Indiana 46204
(317) 233-3300

RESPONDENTS

MARK D. ALLEN,
individually and doing business as
HOOSIER CAR AND TRUCK, LLC.

Mark D. Allen
Mark D. Allen

HOOSIER CAR & TRUCK, LLC.

By: Mark D. Allen

Printed Name: Mark D. Allen

Title: Owner

MAY 23 2002

APPROVED, this _____ day of _____, 2002.

William T. Lawrence
Judge, Marion County Circuit Court

STATE OF INDIANA) IN THE MARION CIRCUIT COURT
) SS:
COUNTY OF MARION) AVC NO. 02-032

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APPEARANCE BY ATTORNEY IN CIVIL CASE

Party Classification: Initiating

1. The undersigned attorney now appears in this case for the following party: Indiana Attorney General.
2. Applicable attorney information for service as required by Trial Rule 5(B)(2) and for case information as required by Trial Rules 3.1 and 77(B) is as follows:

Name: Terry Tolliver
Atty. No.: 22556-49
Address: Office of the Attorney General
Indiana Government Center South
402 W. Washington Street, 5th Floor
Indianapolis, Indiana 46204
Phone: (317) 233-3300
Fax: (317) 233-4393
Computer Address: ttolliver@atg.state.in.us

3. There are other party members: Yes ☐ No ☒
4. *If first initiating party filing this case*, the Clerk is requested to assign this case the following Case Type under Administrative Rule 8(b)(3): Miscellaneous
5. I will accept service by FAX at the above noted number: Yes ☐ No ☒

6. This case involves support issues: Yes ☐ No ☒


7. There are related cases: Yes ☐ No ☒

8. This form has been served on all other parties. Certificate of service appears below:
Yes ☐ No ☒

9. Additional information required by local rule: N/A

STEVE CARTER
Attorney No. 4150-64
Indiana Attorney General

By:



Terry Tolliver
Deputy Attorney General
Attorney No. 22556-49

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